



THE CITY OF NEW YORK
LAW DEPARTMENT

ZACHARY W. CARTER
Corporation Counsel

100 CHURCH STREET
NEW YORK, NY 10007

ALLYSON N. BROWN
phone: (212) 356-3521
fax: (212) 356-3509
albrown@law.nyc.gov

May 24, 2018

BY ECF

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Scott Hill v. City of New York, et al.
17 CV 1420 (VSB)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the Office of the Corporation Counsel assigned to this matter. This Office writes to provide the Court with a status regarding our efforts to identify the John Doe defendants in compliance with the Court's Valentin Order.

On April 23, 2018, this Office informed the Court that we were in receipt of a letter from Plaintiff dated April 11, 2018, which provided additional details of the individuals alleged to be involved in the incident, as well as other dates of incidents. (ECF Docket Entry No. 19.) Consequently, this Office informed the Court that it would use this new information to continue our investigation, in lieu of serving Plaintiff with identification interrogatories. As such, the Court endorsed the April 23rd letter, and ordered that both this Office and the New York State Attorney General's Office provide the Court with a status by May 24, 2018. (ECF Docket Entry No. 20.)

While Plaintiff's April 11th letter provided greater detail as to the identities of the officers Plaintiff seeks to name as defendants, it also raises further issues that hinder this Office's ability to comply with the Valentin Order. In the April 11th letter, Plaintiff describes four out of the five John Doe Correction Officers as probably "wearing a grey button down shirt/uniform." (Attached as Exhibit A is Plaintiff's letter dated April 11, 2018.) Plaintiff further explains that although he listed these John Does as corrections officers, due to the change in custody at the courtroom, those John Does may also be court officers or police officers. (See Plaintiff's April 11th Letter.) In an effort to resolve the issue regarding the agency who had custody of Plaintiff at the time of the incident, this Office contacted the Attorney General's Office and the New York

City Department of Correction (“DOC”) to inquire as to the color of the uniforms worn by their members at the court section. The Attorney General’s Office confirmed that all New York State Court Officers wear navy blue shirts and pants, and that commanding officers who hold a rank wear navy blue pants with a white shirt. The Attorney General’s Office reiterated this information in their letter to the Court today. (ECF Docket Entry No. 21.) Additionally, New York City Police Department (“NYPD”) officers also wear navy blue uniforms, and members of service over the rank of sergeant may wear a white shirt. DOC members also wear navy blue uniforms, with ranking members wearing a white shirt. Upon information and belief, the only DOC officers who wear grey uniforms are recruits, who are not assigned to the court section.

Notwithstanding, on May 17, 2018, the undersigned visited the arraignment part of the Criminal Court on 100 Centre Street, Manhattan, New York to determine the roles of the relevant agencies’ officers, as well as the color of their uniforms. Based on the undersigned’s observations, DOC, NYPD, and Court officers who were present in the courtroom during arraignments, all wore navy blue uniforms, except one member of NYPD who wore a white shirt and navy blue pants. Upon further inquiry, this Office was informed on May 17, 2018, that NYPD officers walk the prisoners into and out of the courtroom during arraignment, and then transfer physical custody of the prisoner to DOC officers if the prisoner is remanded into DOC custody. Since Plaintiff contends that the incident occurred “between the holding pens and the courtroom,” NYPD members must again be included, although none of the agencies who could be involved wear the color uniform Plaintiff describes.

At this point, this Office believes it cannot comply with the Valentin Order based on the information Plaintiff has provided, and we seek the Court’s guidance as to how to proceed with this matter.

Thank you for your consideration herein.

Respectfully submitted,


Allyson N. Brown
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Scott Hill (*via first class mail*)
Plaintiff pro se
298 Nome Avenue
1st Floor
Staten Island, New York 10314

EXHIBIT A

2018-062119
SF - A. Brown

April 11, 2018

Allyson Brown
The City of New York Law Department
100 Church Street
New York, NY 10007

**Re: Hill v. The People of the State of New York; 1:17-cv-01420-VSB
Description of Defendants**

Dear Ms. Brown:

I am writing in response to your April 10, 2018 letter. Below please find the requested information:

Date: January 14, 2016

Location: 100 Centre Street, New York, NY 10013, in between holding pens and the courtroom

Time: Approximately 3:00pm

Individuals:

1. **John Doe Corrections Officer #1:** Male corrections officer who was over six feet tall, was built, had short hair, and had tan skin. May have been Hispanic or Italian, may have been wearing a grey button down shirt / uniform. John Doe Corrections Officer #1 put me in a headlock, and who put his knees on my head and my neck after I was taken to the ground.
2. **John Doe Corrections Officer #2:** Male corrections officer who was approximately 5'11", had a medium build, and may have been a light skinned African American wearing a grey button down shirt / uniform. John Doe Corrections Officer #2 had his knee on my chest after I was taken to the ground.
3. **John Doe Corrections Officer #3:** Male corrections officer who held my feet when I was taken to the ground. I could not see John Doe Corrections Officer #3 well because he was holding my feet.
4. **John Doe Corrections Officer #4:** Male corrections officer who was shorter than 5'11", had a medium build, and was Asian. He may have been wearing a grey button down shirt / uniform. John Doe Corrections Officer #4 put my right hand in handcuffs when I was taken to the ground.
5. **John Doe Corrections Officer #5:** Male corrections officer who is of unknown height, had a medium build, and was African American. He was approximately 240 lbs, and may have been wearing a grey button down shirt / uniform. John Doe Corrections Officer #5 was kicking my stomach when I was taken to the ground.

Please note that although I have listed John Does #1-#5 as corrections officers, due to the change of custody that happens during arraignments that happened to me on January 14, 2016, John Does #1 - #5 may be court officers or police officers.

Date: January 14, 2016 – approximately January 21, 2016

Location: Manhattan Detention Complex

Individuals:

6. **John Doe Corrections Officer #6:** Male corrections officer who is of unknown height, was under 5' 11", and was African American. John Doe Corrections Officer #7 was stationed outside the holding pen where I was being kept. I told this corrections officer that I was throwing up blood and showed him the blood I had thrown up and he did nothing.
7. **John Doe Corrections Officer #7:** Male corrections officer who was a captain. He was African America, had a medium build, and wore glasses. John Doe Corrections Officer #8 came to my holding cell, and may have been a supervisor for John Doe Corrections Officer #7. I told this corrections officer that I was throwing up blood, he noted that I was throwing up blood, but did nothing to help me.
8. **John Doe Corrections Officer #8:** Male corrections officer who is of unknown height, was under 5' 11", and was African American. John Doe Corrections Officer #8 was stationed outside the holding pen where I was being kept. I told this corrections officer that I was throwing up blood and showed him the blood I had thrown up and he did nothing.

Date: Approximately January 21, 2016 to January 27, 2016

Location: Riker's Island

Individuals:

9. **John Doe Doctor #9.** Male doctor who refused to treat me at infirmary I went to on Riker's Island. John Doe Doctor #9 had dark skin and may have been African or Jamaica. When I showed my injuries to John Doe Doctor #9, he told me he would not treat me.

Please let me know if you have any questions, or need any other information.

Respectfully,



Scott Hill
298 Nome Ave.
1st Floor
Staten Island, NY 10314
718/568-8805